

## Witness list

Panel I: Hon. Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Department of Commerce, Alexandria, VA.

Panel II: Dr. Richard C. Levin, President of Yale University, New Haven, CT, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council; Dr. Mark B. Myers, Visiting Executive Professor, Management Department at the Wharton Business School, The University of Pennsylvania, Philadelphia, PA, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council.

Panel III: William Parker, Diffraction, Ltd., Waitsfield, VT; Dean Kamen, President, DEKA Research & Development Corp., Manchester, NH; David Simon, Chief Patent Counsel, Intel Corporation, Santa Clara, CA; Robert A. Armitage, Senior Vice President and General Counsel, Eli Lilly and Company, Indianapolis, IN; Joel Poppen, Deputy General Counsel, Micron Technologies, Inc., Boise, ID; and Michael K. Kirk, Executive Director, American Intellectual Property Law Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the following fellows be granted the privilege of the floor for the duration of the consideration of the transportation bill: Heideh Sahmoradi, Greg Murrill, Mitch Surret, Rudy Kapichak, John Stood, Kent Van Landuyt, James Gentry, and Elissa Konove.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRINTING OF H.R. 1268

Mr. INHOFE. Mr. President, I ask unanimous consent H.R. 1268 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

On Thursday, April 21, 2005, the Senate passed H.R. 1268, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 1268) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other

purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:*

## TITLE I—DEFENSE-RELATED APPROPRIATIONS

## CHAPTER 1

## DEPARTMENT OF DEFENSE—MILITARY

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

*For an additional amount for "Military Personnel, Army", \$13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## MILITARY PERSONNEL, NAVY

*For an additional amount for "Military Personnel, Navy", \$535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## MILITARY PERSONNEL, MARINE CORPS

*For an additional amount for "Military Personnel, Marine Corps", \$1,358,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## MILITARY PERSONNEL, AIR FORCE

*For an additional amount for "Military Personnel, Air Force", \$1,684,943,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## RESERVE PERSONNEL, ARMY

*For an additional amount for "Reserve Personnel, Army", \$39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## RESERVE PERSONNEL, NAVY

*For an additional amount for "Reserve Personnel, Navy", \$9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## RESERVE PERSONNEL, MARINE CORPS

*For an additional amount for "Reserve Personnel, Marine Corps", \$4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## RESERVE PERSONNEL, AIR FORCE

*For an additional amount for "Reserve Personnel, Air Force", \$130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## NATIONAL GUARD PERSONNEL, ARMY

*For an additional amount for "National Guard Personnel, Army", \$291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## NATIONAL GUARD PERSONNEL, AIR FORCE

*For an additional amount for "National Guard Personnel, Air Force", \$91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

*ant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

OPERATION AND MAINTENANCE  
OPERATION AND MAINTENANCE, ARMY

*For an additional amount for "Operation and Maintenance, Army", \$16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, NAVY

*For an additional amount for "Operation and Maintenance, Navy", \$3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, MARINE CORPS

*For an additional amount for "Operation and Maintenance, Marine Corps", \$970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, AIR FORCE

*For an additional amount for "Operation and Maintenance, Air Force", \$5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

*For an additional amount for "Operation and Maintenance, Defense-Wide", \$3,308,392,000, of which—*

*(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and*

*(2) up to \$1,370,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, ARMY RESERVE

*For an additional amount for "Operation and Maintenance, Army Reserve", \$21,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

## OPERATION AND MAINTENANCE, NAVY RESERVE

*For an additional amount for "Operation and Maintenance, Navy Reserve", \$75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

# OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

# OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

# AFGHANISTAN SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", \$1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, \$290,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

# IRAQ SECURITY FORCES FUND

## (INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall

be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, \$210,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, \$99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

# PROCUREMENT

## AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$280,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant

to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is

designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$225,550,000 for Operation

and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### RELATED AGENCY

##### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", \$250,300,000, of which \$181,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### GENERAL PROVISIONS, THIS CHAPTER

##### SPECIAL TRANSFER AUTHORITY

##### (TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### GENERAL TRANSFER AUTHORITY

##### (TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 969), is amended by striking "\$3,500,000,000" and inserting in lieu thereof "\$5,685,000,000": Provided, That the amount made available by the transfer of funds in or

pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### COUNTER-DRUG ACTIVITIES

SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated under the heading, "Drug Interdiction and Counter-Drug Activities, Defense" in this Act, not to exceed \$40,000,000 may be made available for the provision of support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be provided in addition to support provided for the counter-drug activities of said Government under any other provision of law.

##### (b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

##### EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, "Operation and Maintenance, Defense-Wide", in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), strike "\$32,000,000" and insert "\$43,000,000".

##### ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed \$1,500,000,000.

##### WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed \$10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

##### COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as amended by section 102, title I, division J, Consolidated Appropriations Act, 2005 (Public Law 108-447), is further amended by striking "\$500,000,000" and inserting "\$854,000,000".

##### CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking "\$185,000,000" and inserting "\$210,000,000".

##### OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1109. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), is amended—

(1) by striking "in the fiscal year after the effective date of this Act" and inserting in lieu thereof "in the fiscal years 2005 and 2006"; and

(2) in paragraph (1) by striking "500 new personnel billets" and inserting in lieu thereof "the total of 500 new personnel positions".

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2005”.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§5538. Nonreduction in pay while serving in the uniformed services or National Guard**

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments

under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

**RESERVE AFFILIATION BONUS**

SEC. 1111. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed \$10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

**SERVICEMEMBERS’ GROUP LIFE INSURANCE**

SEC. 1112. SERVICEMEMBERS’ GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

“(i) In the case of a member—

“(I) \$400,000 or such lesser amount as the member may elect;

“(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

“(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).”; and

(2) in subsection (d), by striking “\$250,000” and inserting “\$400,000”.

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e)(1) A member covered by this subsection is any member as follows:

“(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

“(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

“(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is \$150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds \$250,000, the additional amount of insurance under this subchapter that is provided for the member by this

subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

“(3) The total amount of insurance payable for a member under this subchapter may not exceed \$400,000.

“(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to \$150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member’s pay.”.

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following new paragraph:

“(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers’ Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of \$150,000.”.

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: “, except for insurance provided under paragraph (3)(A)(i)(III)”.

(d) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking “\$250,000” each place it appears and inserting “\$400,000”; and

(2) by adding at the end of paragraph (1) the following new sentence: “Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans’ Group Life Insurance shall be issued under this section.”.

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.”; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking “and (C)” and inserting “, (C), and (D)”; and

(B) by adding at the end the following new subparagraphs:

“(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.”.

(f) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

“(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.”.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(h) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38,

United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

#### DEATH GRATUITY

SEC. 1113. (a) INCREASE IN DEATH GRATUITY.—(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking “\$12,000” and inserting “\$100,000”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

(B) The requirements of this subsection apply in the case of a member of the Armed Forces who died before the date of the enactment of this Act as a direct result of one or more wounds, injuries, or illnesses that—

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

(2) AMOUNT.—The amount of the additional death gratuity is \$150,000.

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term “additional death gratuity” means the death gratuity provided under paragraph (1).

(B) The term “regular military death gratuity”, means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

SEC. 1114. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION. (a) IN GENERAL.—Subchapter II of chapter

75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking “**Death gratuity:**” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “**Fallen hero compensation:**”.

(2) The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

#### INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1115. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

#### PROHIBITION OF NEW START PROGRAMS

SEC. 1116. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, “Procurement of Ammunition, Army” to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of material for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C-RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

#### CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1117. (a)(1) Notwithstanding section 917 of Public Law 97-86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005

(Public Law 108-287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108-324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is \$372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than \$100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97-86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is \$813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

#### PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1118. Section 115 of division H of Public Law 108-199 is amended by striking all after “made available” and substituting “, notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.”.

#### CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1119. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.



LPD-17 COST ADJUSTMENT  
(TRANSFER OF FUNDS)

SEC. 1120. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Construction, Navy, 2005/2009":

LCU (X), \$19,000,000;

To:

Under the heading, "Shipbuilding and Construction, Navy, 1996/2008":

LPD-17, \$19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT  
GENERATION DESTROYER (DD(X))

SEC. 1121. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1122. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1123. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, \$12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1124. Section 403(l) of title 37, United States Code, is amended by striking "180 days" each place it appears and inserting "365 days".

SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS UNDER REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS DISABILITY COMPENSATION

SEC. 1125. It is the sense of the Senate that any veteran with a service-connected disability rated as total by virtue of having been deemed unemployable who otherwise qualifies for treatment as a qualified retiree for purposes of section 1414 of title 10, United States Code, should be entitled to treatment as qualified retiree receiving veterans disability compensation for a disability rated as 100 percent for purposes of the final clause of subsection (a)(1) of such section, as amended by section 642 of the Ronald

W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1957), and thus entitled to payment of both retired pay and veterans' disability compensation under such section 1414 commencing as of January 1, 2005.

SEC. 1126. BENEFITS FOR MEMBERS OF THE ARMED FORCES RECUPERATING FROM INJURIES INCURRED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM. (a) PROHIBITION ON CHARGES FOR MEALS.—

(1) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(2) EFFECTIVE DATE.—The limitation in paragraph (1) shall take effect on January 1, 2005, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(b) TELEPHONE BENEFITS.—

(1) PROVISION OF ACCESS TO TELEPHONE SERVICE.—The Secretary of Defense shall provide each member of the Armed Forces who is undergoing in any month medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom access to telephone service at or through such military treatment facility in an amount for such month equivalent to the amount specified in paragraph (2).

(2) MONTHLY AMOUNT OF ACCESS.—The amount of access to telephone service provided a member of the Armed Forces under paragraph (1) in a month shall be the number of calling minutes having a value equivalent to \$40.

(3) ELIGIBILITY AT ANY TIME DURING MONTH.—A member of the Armed Forces who is eligible for the provision of telephone service under this subsection at any time during a month shall be provided access to such service during such month in accordance with that paragraph, regardless of the date of the month on which the member first becomes eligible for the provision of telephone service under this subsection.

(4) USE OF EXISTING RESOURCES.—In carrying out this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private organizations, or other private entities offering free or reduced-cost telecommunications services.

(5) COMMENCEMENT.—

(A) IN GENERAL.—This subsection shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

(B) EXPEDITED PROVISION OF ACCESS.—The Secretary shall commence the provision of access to telephone service under this subsection as soon as practicable after the date of the enactment of this Act.

(6) TERMINATION.—The Secretary shall cease the provision of access to telephone service under this subsection on the date this is 60 days after the later of—

(A) the date, as determined by the Secretary, on which Operation Enduring Freedom terminates; or

(B) the date, as so determined, on which Operation Iraqi Freedom terminates.

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1127. No funds appropriated or otherwise made available by this Act, or any other Act,

may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled "Functions and Duties of the General Counsel and the Judge Advocate General".

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

SEC. 1128. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES. (a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

"(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108-422).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1129. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1130. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108-87) and the Department of Defense Appropriations Act, 2005 (Public Law 108-287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations

in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of \$50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total \$65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

#### REPORTS ON IRAQI SECURITY FORCES

SEC. 1131. Not later than 60 days after the date of enactment of this Act, and every 90 days

thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, leadership, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, legal status, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal and unit equipment requirements have been met.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of police candidates screened by the Iraqi Police Screening Service screening project, the number of candidates derived from other entry procedures, and the overall success rates of those groups of candidates;

(D) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(E) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(F) the number of police present for duty;

(G) data related to attrition rates; and

(H) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of

conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

(11) An assessment of the effectiveness of the chain of command of the Iraqi military.

(12) The number and nationality of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(13) A list of countries of the North Atlantic Treaty Organisation ("NATO") participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

(14) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(15) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(16) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(17) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(18) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

#### REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1132. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

#### AIRCRAFT CARRIERS OF THE NAVY

SEC. 1133. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the

Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SENSE OF THE SENATE ON SILICON CARBIDE POWDERS PRODUCTION

SEC. 1134. SENSE OF THE SENATE. It is the sense of the Senate that the Department of Defense should provide funding sufficient, but not less than \$5,000,000, under the Defense Production Act Title III to increase the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

PROCURING RAPID WALL BREACHING KITS

SEC. 1135. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) the Department of Defense should allocate sufficient funding, but not less than \$5,000,000, in fiscal year 2005 to procure Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses;

(2) the Department of Defense should submit to Congress an amendment to the proposed fiscal year 2006 budget to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses in fiscal year 2006; and

(3) the Department of Defense should include in its budget requests for fiscal year 2007 and beyond funds to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses.

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1136. (a) It is the sense of the Senate that the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" may be increased by \$17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", as increased by subsection (a), \$17,600,000 may be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH CARE CENTERS

SEC. 1137. It is the sense of the Senate that, of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", not less than \$6,000,000 should be available for the Vaccine Health Care Centers.

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. 1138. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) \$60,000,000 may be made available for the rapid deployment of Warlock and other field jamming systems; and

(2) in conference, the Senate should recede to the House position.

TRAVEL FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH CERTAIN NON-SERIOUS ILLNESSES OR INJURIES

SEC. 1139. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph: "(B) either—

"(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain

death is declared), and is hospitalized in a medical facility in or outside the United States; or

"(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury.""; and

(2) by adding at the end the following new paragraph:

"(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B)."

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

**"§411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members".**

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members."

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108-287) for the Military Personnel, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds \$20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC-130J AIRCRAFT

SEC. 1140. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC-130J aircraft that is in effect on the date of the enactment of this Act.

UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES

SEC. 1141. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by \$213,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", as increased by subsection (a), \$213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1142. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

PERMANENT MAGNET MOTOR

SEC. 1143. It is the sense of the Senate that of the amounts appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", \$15,000,000 should be made available for the continuing development of the permanent magnet motor.

SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE AIR DEFENSE SYSTEMS

SEC. 1144. It is the sense of the Senate that, of the amounts appropriated by this Act, \$32,000,000 may be available to procure MANPAD systems.

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1145. It is the sense of the Senate that, of the amount appropriated by this Act under the heading "OPERATION AND MAINTENANCE, ARMY", \$11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects



not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

### TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

#### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FOREIGN AGRICULTURAL SERVICE

##### PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$470,000,000 to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, \$12,000,000 shall be available to carry out programs under the Food for Progress Act of 1985: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 2

#### DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", \$767,200,000, to remain available until September 30, 2006, of which \$10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than \$250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That of the funds appropriated under this heading, \$17,200,000 should be made available for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", \$592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, \$4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for capital improvements related to broadcasting to the broader Middle East, \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", \$63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available for criminal case management, case tracking, and

the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OTHER BILATERAL ECONOMIC ASSISTANCE

##### ECONOMIC SUPPORT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", \$1,636,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, \$200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which \$50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for programs and activities to promote democracy, including political party development, in Lebanon and such amount shall be managed by the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance to Ukraine, \$70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, \$5,000,000 shall be made available

for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", \$660,000,000, to remain available until September 30, 2007, of which up to \$46,000,000 may be transferred to and merged with "Economic Support Fund" if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than \$55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", \$32,100,000, to remain available until September 30, 2006, of which not to exceed \$15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### FUNDS APPROPRIATED TO THE PRESIDENT

###### OTHER BILATERAL ASSISTANCE

##### GLOBAL WAR ON TERROR PARTNERS FUND

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, \$25,500,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Sec-

retary of State to other Federal agencies or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

###### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", \$250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$210,000,000, to remain available until September 30, 2006, of which \$200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### GENERAL PROVISIONS, THIS CHAPTER

###### VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking "Iraq,".

###### REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days

after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to \$5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

###### (RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108-11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

###### DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading "Economic Support Fund" may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108-447.

SEC. 2105. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108-447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

###### MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2106. Of the funds appropriated by chapter 2 of title II of Public Law 108-106 under the heading "Iraq Relief and Reconstruction Fund", not less than \$30,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund".

###### ASSISTANCE FOR HAITI

SEC. 2107. Of the funds appropriated by title II, chapter 2 of this Act, not less than \$20,000,000 shall be made available for assistance for Haiti: Provided, That this assistance should be made available for election assistance, employment and public works projects, and police assistance: Provided further, That the obligation of such funds shall be subject to prior consultation with the Committees on Appropriations.

###### REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 2108. (a) Notwithstanding any other provision of law, not later than 90 days after the date on which the initial obligation of funds made available in this Act for training Afghan security forces, including police, border security guards and members of the Afghan National Army, is made, the Secretary of State, in conjunction with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of whether the individuals who are providing training to Afghan security forces with assistance provided by the United States have proven records of experience in training law enforcement or security personnel.

(2) A description of the procedures of the Department of State and Department of Defense to ensure that an individual who receives such training—

- (A) does not have a criminal background;
- (B) is not connected to any criminal or terrorist organization, including the Taliban;
- (C) is not connected to drug traffickers; and
- (D) meets certain age and experience standards.

(3) A description of the procedures of the Department of State and Department of Defense that—

- (A) clearly establish the standards an individual who will receive such training must meet;
- (B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(4) A description of the procedures of the Department of State and Department of Defense to ensure the coordination of such training efforts between these two Departments.

(5) A description of the methods that will be used by the Government of Afghanistan to maintain and equip such personnel when such training is completed.

(6) A description of how such training efforts will be coordinated with other training programs being conducted by the governments of other countries or international organizations in Afghanistan.

(b) In this section the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

#### DARFUR ACCOUNTABILITY

SEC. 2109. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and any assets or property that such individuals transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committee, a report—

(A) naming the individual or individuals named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with re-

gard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 118 Stat. 4018).

(d) In this section:

(1) The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term "Government of Sudan" means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term "member states" means the member states of the United Nations.

(4) The term "Sudan North-South Peace Agreement" means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term "those named by the UN Commission of Inquiry" means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term "UN Committee" means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

#### CANDIDATE COUNTRIES

SEC. 2110. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108-199) is amended—

(1) by striking "subparagraphs (A) and (B) of section 606(a)(1)"; and

(2) inserting in lieu thereof "subsection (a) or (b) of section 606".

#### SUDAN

SEC. 2111. Of the funds appropriated in this Act for "Contributions for International Peacekeeping Activities", \$90,500,000 may be made available for assistance for Darfur, Sudan: Provided, That within these amounts, \$50,000,000 may be transferred to "Peacekeeping Operations" for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That \$40,500,000 may be transferred to "International Disaster and Famine Assistance" for assistance for Darfur, Sudan and other African countries.

**TITLE III—DOMESTIC APPROPRIATIONS  
FOR THE WAR ON TERROR**

**CHAPTER 1**

**DEPARTMENT OF JUSTICE**

**GENERAL ADMINISTRATION**

**OFFICE OF INSPECTOR GENERAL**

For an additional amount for “Office of Inspector General”, \$2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**UNITED STATES MARSHALS SERVICE**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$11,935,000, for increased judicial security outside of courthouse facilities, including priority consideration of home intrusion detection systems in the homes of federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**FEDERAL BUREAU OF INVESTIGATION**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

**DRUG ENFORCEMENT ADMINISTRATION**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$5,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**CHAPTER 2**

**DEPARTMENT OF ENERGY**

**NATIONAL NUCLEAR SECURITY ADMINISTRATION**

**WEAPONS ACTIVITIES**

For an additional amount for “Weapons Activities”, \$26,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**DEFENSE NUCLEAR NONPROLIFERATION**

For an additional amount for “Defense Nuclear Nonproliferation”, \$84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**CHAPTER 3**

**DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$276,000,000, of which not less than \$11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**REDUCTION IN FUNDING FOR DIPLOMATIC AND  
CONSULAR PROGRAMS**

The amount for “Diplomatic and Consular Programs” under chapter 2 of title II shall be \$357,700,000.

**IMMIGRATION AND CUSTOMS ENFORCEMENT**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$389,613,000, of which \$128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) \$179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for “SALARIES AND EXPENSES”, for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) \$67,438,000, to Customs and Border Protection, to remain available until expended, for “CONSTRUCTION”; (3) \$10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for “SALARIES AND EXPENSES”; and (4) \$3,959,000, to the Federal Law Enforcement Training Center, to remain available until expended, for “ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES”, for the provision of training at the Border Patrol Academy.

**UNITED STATES COAST GUARD**

**OPERATING EXPENSES**

For an additional amount for “Operating Expenses”, \$111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**ACQUISITION, CONSTRUCTION, AND  
IMPROVEMENTS**

For an additional amount for “Acquisition, Construction, and Improvements”, \$49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**CUSTOMS AND BORDER PROTECTION**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, for hiring border patrol agents, \$105,451,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**CONSTRUCTION**

For an additional amount for “Construction”, \$41,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference

report to accompany S. Con. Res. 95 (108th Congress).

**REDUCTION IN FUNDING**

The amount appropriated by title II for “Contributions to International Peacekeeping Activities” is hereby reduced by \$146,951,000 and the total amount appropriated by title II is hereby reduced by \$146,951,000.

**CHAPTER 4**

**CAPITOL POLICE**

**SALARIES**

For an additional amount for salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**EXPENSES**

For an additional amount for necessary expenses of the Capitol Police, \$13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**ARCHITECT OF THE CAPITOL**

**CAPITOL POLICE BUILDINGS AND GROUNDS**

For an additional amount for Capitol Police Buildings and Grounds, \$23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**TITLE IV—INDIAN OCEAN TSUNAMI  
RELIEF**

**CHAPTER 1**

**DEPARTMENT OF COMMERCE**

**NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES**

For an additional amount for “Operations, Research, and Facilities”, \$7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**PROCUREMENT, ACQUISITION AND CONSTRUCTION**

For an additional amount for “Procurement, Acquisition and Construction”, \$10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**CHAPTER 2**

**DEPARTMENT OF DEFENSE—MILITARY  
OPERATION AND MAINTENANCE**

**OPERATION AND MAINTENANCE, NAVY**

For an additional amount for “Operation and Maintenance, Navy”, \$124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**OPERATION AND MAINTENANCE, MARINE CORPS**

For an additional amount for “Operation and Maintenance, Marine Corps”, \$2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference

report to accompany S. Con. Res. 95 (108th Congress).

#### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", \$36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 3

#### DEPARTMENT OF HOMELAND SECURITY

##### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 4

#### DEPARTMENT OF THE INTERIOR

##### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### CHAPTER 5

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### OTHER BILATERAL ASSISTANCE

##### TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus, \$656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided

herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to \$10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to \$20,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to \$2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to \$100,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to \$5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for environmental recovery activities in tsunami affected countries: Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, not less than \$12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, assistance to improve the capacity of governments and appropriate private entities to facilitate domestic and international adoption of orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 should be made available for microcredit programs in countries affected by the tsunami, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for programs to prevent the spread of the Avian influenza virus, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, \$1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That funds appropriated under this heading shall be made subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Re-

public of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That of the funds appropriated under this heading, up to \$45,000,000 may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

#### GENERAL PROVISIONS, THIS CHAPTER

##### ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

##### AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), section 10 of Public Law 91-672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

#### TITLE V—OTHER EMERGENCY APPROPRIATIONS

##### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

##### RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for "Research and Education Activities" to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, \$3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

##### NATURAL RESOURCES CONSERVATION SERVICE

##### EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, \$103,000,000, to remain available until expended: Provided, That of the amount provided, no less than \$66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## GENERAL PROVISIONS, THIS CHAPTER

## RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading "Rural Housing Service", "Rural Housing Insurance Fund Program Account" in chapter 1 of title II of Public Law 106-246 (114 Stat. 540) to the Rural Housing Service "Rental Assistance Program" account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

## NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated \$15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5104. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108-447) for the Lost River Watershed project, West Virginia, \$4,000,000 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

## FARM SERVICE AGENCY

SEC. 5105. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108-447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

## CHAPTER 2

## DEPARTMENT OF THE INTERIOR

## DEPARTMENTAL MANAGEMENT

## SALARIES AND EXPENSES

For an additional amount for "Departmental Management", \$3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" to pay necessary expenses of the Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, \$2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference

report to accompany S. Con. Res. 95 (108th Congress).

## CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, \$31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 3

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## OFFICE OF THE SECRETARY

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

## (INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108-447, \$10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading "Health Resources and Services Administration, Health Resources and Services", the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading "Office of the Secretary, Office of the Inspector General", the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading "Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)" the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

## RELATED AGENCY

## INSTITUTE OF MUSEUM LIBRARY SERVICES

## OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the "Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration", \$10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CHAPTER 4

## THE JUDICIARY

## COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services" for unforeseen costs associated with increased immigration-re-

lated filings, recent Supreme Court decisions, and recently enacted legislation, \$65,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108-477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## HOUSING PROGRAMS

## HOUSING FOR PERSONS WITH DISABILITIES

## (INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108-447, \$238,080,000 are rescinded.

For an additional amount for "Housing for Persons with Disabilities", \$238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108-447.

## OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of Federal Housing Enterprise Oversight" for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, \$5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0.

## GENERAL PROVISION, THIS CHAPTER

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated \$10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

## AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

## TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108-447, the Department of Justice may transfer funds from any Department of Justice account, except "Buildings and Facilities, Federal Prison System" and "Office of Justice Programs" accounts, to the "Detention Trustee" account: Provided, That the notification requirement in section 605 of title VI of division B of Public Law 108-447 shall apply to any such transfers.



## SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

## TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended after "Bonneau Ferry, SC" by striking "20,000" and inserting "19,200": Provided, That these amounts are available for transfer to "Response and Restoration Base".

SEC. 6005. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Tonner Canyon, CA" and inserting "Tolay Lake, Sonoma County, CA".

SEC. 6006. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108-447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Port Aransas Nature Preserve Wetlands Project, TX—3,000" and under the heading "Section 2 (FWCA) Coastal/Estuarine Land Acquisition" by inserting "Port Aransas Nature Preserve Wetlands Project, TX—3,000".

## LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108-335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking "\$15,000,000" and inserting "\$42,000,000, to remain available until expended," in its place, and

(B) by amending subsection (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure."

(2) By inserting a new section before the short title at the end to read as follows:

"SEC. 348. The amount appropriated by this Act may be increased by an additional amount of \$206,736,000 (including \$49,927,000 from local funds and \$156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

"(1) \$174,927,000 (including \$34,927,000 from local funds and \$140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, \$33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, \$140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15-717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

"(2) \$15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

"(3) \$14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

"(4) \$2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'."

## DESOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking "\$20,000,000" and inserting "\$55,000,000" in lieu thereof, and by striking "treatment" and inserting "infrastructure" in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project costs incurred after May 13, 2002.

## FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106-541 is modified by striking "\$20,000,000" and inserting in lieu thereof "\$25,000,000".

## ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from "General Investigations" for the expansion of studies necessitated by severe flooding, up to \$1,800,000, to remain available until expended.

## INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR-1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108-447 is amended by striking "October 1, 2003, and September 30, 2004" and inserting "October 1, 2004, and September 30, 2005".

## OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

## MCCELLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108-447 is amended by striking "Public Law 108-357" and inserting "Public Law 108-137".

## SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

## DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat.

3624) as amended by section 210 of Public Law 108-7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking "2004" and inserting in lieu thereof "2009"; and

(2) in paragraph (b) by striking "2004" and inserting in lieu thereof "2009".

## AGRICULTURAL AND NATURAL RESOURCES OF THE WALKER RIVER BASIN

SEC. 6017. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior (referred to in this section as the "Secretary"), acting through the Commissioner of Reclamation, shall provide not more than \$850,000 to pay the State of Nevada's share of the costs for the Humboldt Project conveyance required under—

(A) title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2016); and

(B) section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1853).

(2) Amounts provided under paragraph (1) may be used to pay—

(A) administrative costs;

(B) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(C) real estate transfer costs.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring land, water, and related interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(c)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(d) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) \$10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) \$5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

#### OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to "Department of Energy, Energy Programs, Science" is amended by inserting "": Provided, That \$2,000,000 is provided within available funds to continue funding for project #DE-FG0204ER63842-04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and \$3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein \$500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and \$500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That \$4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service" after "\$3,628,902,000".

#### WEAPONS ACTIVITIES

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to "Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities" is amended by inserting after "various locations" the following: "": Provided further, That \$3,000,000 shall be used to continue funding of project #DE-FC04-02AL68107, the Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102-377 and section 4705 of Public Law 107-314, as amended, the Department may transfer up to \$10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375".

#### DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to "Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion" is amended by inserting before the period the following: "": Provided, That \$4,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District".

#### DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104-447), the item relating to the "Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Defense Environmental Services" is amended by inserting before the period the following: "": Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to \$30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities".

#### CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104-447), the item relating to the "Atomic En-

ergy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities" is amended by inserting before the period the following: "": Provided, That \$5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to support radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health".

#### DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. §644), is amended by adding the following new paragraph:

"(3) For purposes of this section, the term 'prime contract' shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.".

#### YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2951) is amended in the matter under the heading "Nuclear Waste Disposal"—

(1) by inserting "to be derived from the Nuclear Waste Fund and" after "\$346,000,000,"; and

(2) in the second proviso, by striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate in licensing activities and other appropriate activities pursuant to that Act".

#### POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" is amended by inserting before the period at the end the following: "": Provided further, That of the amount herein appropriated, \$500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota".

#### DEPARTMENT OF HOMELAND SECURITY REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security "Working Capital Fund" is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the "Office of the Chief Financial Officer" and shall be subject to section 503 of Public Law 108-334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103-356).

(c)(1) There is established the "Continuity of Government Operations and Emergency Management Revolving Fund" (in this subsection referred to as the "Revolving Fund") which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the "Working Capital Fund" abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the "Working Capital Fund" before the date of enactment of Public Law 107-296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the "Office of the Chief Financial Officer" pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

#### REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

"(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the 'Office of the Chief Information Officer'; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

"(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.".

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108-334.

#### BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108-447 is amended in paragraph (b)(2) by deleting "September 24, 2004" and inserting "November 12, 2004".

#### FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of \$1,500,000, provided in Public Law 108-447 for the "Forest Service, Capital Improvement and Maintenance" account, are hereby transferred to the "Forest Service, State and Private Forestry" account.

#### WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

#### PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

#### GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the

drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

#### SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2005," and inserting "September 30, 2005."

#### REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 102 and section 208 of division F of Public Law 108-447 are hereby repealed.

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108-447; House Report 108-792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement"—

(1) the provision specifying \$500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read "Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative";

(2) the provision specifying \$2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read "Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program";

(3) the provision specifying \$1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";

(4) the provision specifying \$750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";

(5) the provision specifying \$200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";

(6) the provision specifying \$1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";

(7) the provision specifying \$25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

(8) the provision specifying \$780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

(9) the provision specifying \$100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

(10) the provision specifying \$100,000 for Kids with A Promise—The Bowers Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowers Mission, New York, NY";

(11) the provision specifying \$50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

(12) the provision specifying \$30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijahbar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijahbar"; and

(13) the provision specifying \$163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read "Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative".

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108-447; House Report 108-792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision specifying \$145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

(2) the provision specifying \$150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

(3) the provision specifying \$100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs"; and

(4) the provision specifying \$100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

#### TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R.

2673 (Public Law 108-199; House Report 108-401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement" the provision specifying \$1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska".

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108-447 is amended by inserting before the period at the end the following: "Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

#### COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" under title I of the Legislative Appropriations Act, 2005 to the account under the subheading "SALARIES AND EXPENSES" under the heading "COPYRIGHT OFFICE" under the heading "LIBRARY OF CONGRESS" under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108-419), subject to subsection (b).

(b) No more than \$485,000 may be transferred under this section.

#### TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading "Federal Transit Administration, Capital Investment Grants" in title I of division H of Public Law 108-447 is amended by striking "\$3,591,548" and inserting "\$1,362,683" and by striking "\$22,554,144" and inserting "\$12,998,815": Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108-447, \$1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and \$316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

#### THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108-447 is amended by striking "shall be deposited" and all that follows through "expenses" and inserting in lieu thereof "shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of

the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Office of the United States Courts”.

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

“(1) by striking paragraph (1) and inserting the following:

“(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

“(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);”;

“(2) in paragraph (2), by striking ‘one-half’ and inserting ‘75 percent’; and

“(3) in paragraph (4), by striking ‘one-half’ and inserting ‘100 percent’.”;

(2) by striking subsection (c) and inserting the following:

“(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ‘pursuant to 28 U.S.C. section 1930(b)’ and all that follows through ‘28 U.S.C. section 1931’ and inserting ‘under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title.’”; and

(3) by striking subsections (d) and (e) in their entirety.

#### TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading “Federal Buildings Fund” in title IV of division H of Public Law 108–447, strike “\$60,000,000” and insert in lieu thereof “\$60,600,000” in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108–477 is amended by striking “Section 572(a)(2)(ii)” and inserting in lieu thereof “Section 572(a)(2)(A)(ii)”.

#### TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading “Community Development Fund” in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 230 by striking “City” and inserting “Port”.

(b) The referenced statement of the managers under the heading “Community Development Fund” in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 233 by inserting “Port of” before the words “Brookings Harbor”.

(c) The referenced statement of the managers under the heading “Community Development Fund” in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 30 by inserting “to be used for planning, design, and construction” after “California.”.

(d) The referenced statement of managers under the heading “Community Development Fund” in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 122 by inserting “to be used for planning, design, and construction” after “California.”.

#### SENSE OF SENATE REGARDING TIMELY ENACTMENT OF APPROPRIATIONS FOR UNITED STATES ARMED FORCES

SEC. 6047. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) our immigration system is badly broken, fails to serve the interests of our national security and our national economy, and undermines respect for the rule of law;

(2) in a post-9/11 world, national security demands a comprehensive solution to our immigration system;

(3) Congress must engage in a careful and deliberative discussion about the need to bolster enforcement of, and comprehensively reform, our immigration laws;

(4) Congress should not short-circuit that discussion by attaching amendments to this supplemental outside of the regular order; and

(5) Congress should not delay the enactment of critical appropriations necessary to ensure the well-being of the men and women of the United States Armed Forces fighting in Iraq and elsewhere around the world, by attempting to conduct a debate about immigration reform while the supplemental appropriations bill is pending on the floor of the United States Senate.

SEC. 6048. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification within the text or audio of the prepackaged news that the prepackaged news story was prepared or funded by that Federal agency.

SEC. 6049. TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “or an entity described in paragraph (3)” after “means a hospital”; and

(B) in subparagraph (B)—

(i) by inserting “legislature” after “State” the first place it appears; and

(ii) by inserting “and such designation by the State legislature occurred prior to December 8, 2003” before the period at the end; and

(2) by adding at the end the following new paragraph:

“(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

“(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

“(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

“(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.”.

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

“(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

SEC. 6050. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

#### TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6051. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(1) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking “subsections” and inserting “subsection”, and

(2) striking “or (k)” each place that it appears.

#### NEPAL

SEC. 6052. (a) FINDINGS.—The Senate makes the following findings:

(1) That on February 1, 2005, Nepal’s King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

(2) That despite condemnation of the King’s actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy.

(3) That there are concerns that the King’s actions will strengthen Nepal’s Maoist insurgency.

(4) That while some political leaders have been released from custody, there have been new arrests of human rights activists and representatives of other civil society organizations.

(5) That the King has thwarted efforts of members of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

(6) That the Maoists have committed atrocities against civilians and poses a threat to democracy in Nepal.

(7) That the Nepalese Army has also committed gross violations of human rights.

(8) That King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

(9) That Nepal needs an effective military strategy to counter the Maoists and pressure them to negotiate an end to the conflict, but such a strategy must include the Nepalese Army’s respect for the human rights and dignity of the Nepalese people.

(10) That an effective strategy to counter the Maoists also requires a political process that is inclusive and democratic in which constitutional rights are protected, and government policies that improve the lives of the Nepalese people.

(11) That it is the Sense of the Senate that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with the leaders of Nepal’s political parties to restore democracy.

#### FISCHER-TROPSCH COAL-TO-OIL PROJECT

SEC. 6053. Notwithstanding any other provision of law, funds that have been appropriated to and awarded by the Secretary of Energy under the Clean Coal Power Initiative in accordance with financial assistance solicitation #DE-PS26-02NT41428 (as described in 67 Federal Register 575) to construct a Fischer-Tropsch coal-to-oil project may be used by the Secretary to provide a loan guarantee for the project.

#### PROTECTION OF THE GALAPAGOS

SEC. 6054. (a) FINDINGS.—The Senate makes the following findings:

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador.

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law.

(3) There are concerns with the current leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which

may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which encourages illegal fishing.

(b) The Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service through a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(c) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

#### CAMP JOSEPH T. ROBINSON

SEC. 6055. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

#### INDEPENDENT COUNSEL INVESTIGATION OF HENRY CISNEROS

SEC. 6056. (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

#### AFFIRMING THE PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 6057. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term “torture” has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

#### DETROIT LABOR BUILDING

SEC. 6058. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the “De-

troit Labor Building” and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

#### TRAUMATIC INJURY PROTECTION

SEC. 6059. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

“(11) The term ‘activities of daily living’ means the inability to independently perform 2 of the 6 following functions:

“(A) Bathing.

“(B) Continence.

“(C) Dressing.

“(D) Eating.

“(E) Toileting.

“(F) Transferring.”; and

(2) by adding at the end the following:

#### “§ 1980A. Traumatic injury protection

“(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed \$100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to \$100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

“(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

“(A) total and permanent loss of sight;

“(B) loss of a hand or foot by severance at or above the wrist or ankle;

“(C) total and permanent loss of speech;

“(D) total and permanent loss of hearing in both ears;

“(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

“(F) quadriplegia, paraplegia, or hemiplegia;

“(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

“(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

“(2) For purposes of this subsection—

“(A) the term ‘quadriplegia’ means the complete and irreversible paralysis of all 4 limbs;

“(B) the term ‘paraplegia’ means the complete and irreversible paralysis of both lower limbs; and

“(C) the term ‘hemiplegia’ means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

“(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

“(c) A payment under this section may be made only if—

“(1) the member is insured under Servicemembers’ Group Life Insurance when the traumatic injury is sustained;

“(2) the loss results directly from that traumatic injury and from no other cause; and

“(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is

quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

“(d) Payments under this section for losses described in subsection (b)(1) shall be—

“(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

“(2) based on the severity of the covered condition; and

“(3) in an amount that is equal to not less than \$25,000 and not more than \$100,000.

“(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member’s basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

“(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

“(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

“(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

“(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

“(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member’s uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

“(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

“(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

“(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

“(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of



Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection."

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

#### RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6060. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### TITLE VII—TEMPORARY WORKERS

SEC. 7001. SHORT TITLE.

This title may be cited as the "Save Our Small and Seasonal Businesses Act of 2005".

SEC. 7002. NUMERICAL LIMITATIONS ON H-2B WORKERS. (a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

"(9)(A) Subject to subparagraphs (B) and (C), an alien counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the submission of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) may not be counted toward such limitation for the fiscal year in which the petition is approved.

"(B) A petition referred to in subparagraph (A) shall include, with respect to an alien—

"(i) the full name of the alien; and

"(ii) a certification to the Department of Homeland Security that the alien is a returning worker.

"(C) An H-2B visa for a returning worker shall be approved only if the name of the individual on the petition is confirmed by—

"(i) the Department of State; or

"(ii) if the alien is visa exempt, the Department of Homeland Security."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than the date of enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing petitions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b), in a manner consistent with this section and the amendments made by this section.

SEC. 7003. FRAUD PREVENTION AND DETECTION FEE. (a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447), is amended by adding at the end the following:

"(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

"(i) The amount of the fee imposed under subparagraph (A) shall be \$150."

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking "H1-B and L" each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking "section 214(c)(12)" and

inserting "paragraph (12) or (13) of section 214(c)";

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking "(H)(i)" each place it appears and inserting "(H)(i), (H)(ii), "; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end "or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)".

(2) CONFORMING AMENDMENT.—The heading of such subsection 286 is amended by striking "H1-B AND L".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2005.

SEC. 7004. SANCTIONS. (a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 3, is further amended by adding at the end the following:

"(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

"(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

"(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

"(iii) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

"(iv) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

"(v) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 7005. ALLOCATION OF H-2B VISAS DURING A FISCAL YEAR. Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 7002, is further amended by adding at the end the following new paragraph:

"(j) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens who enter the United States pursuant to a visa or other provision of nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000."

SEC. 7006. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105-277; 8 U.S.C. 1184 note) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following new subsection:

"(d) PROVISION OF INFORMATION.—

"(1) QUARTERLY NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of



Homeland Security shall notify, on a quarterly basis, the Committee on the Judiciary of the Senate and the Committee on the Judiciary of House of Representatives of the number of aliens who during the preceding 1-year period—

“(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

“(B) had such a visa or such status expire or be revoked or otherwise terminated.

“(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

“(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

“(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

“(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.”.

#### RECAPTURE OF VISAS

SEC. 7007. Section 106(d)(2)(A) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence “and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants, and the dependents of such immigrants, and 50 percent of such visas shall be made available to those whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor”; and

(2) in paragraph (2)(A), by striking “and 2000” and inserting “through 2004”.

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 7008. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end “or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);”; and

(2) in clause (i), by striking “or” after “national.”.

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.”.

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting “, section 101(a)(15)(E)(iii),” after “section 101(a)(15)(H)(i)(b)”.

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108-77; 117 Stat. 941), is amended—

(1) by inserting “or section 101(a)(15)(E)(iii)” after “section 101(a)(15)(H)(i)(b1)” each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking “or” in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking “or” in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking “or” in the third place it appears.

This Act may be cited as the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”.

Amend the title so as to read: “An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.”.

#### ORDERS FOR TUESDAY, APRIL 26, 2005

Mr. INHOFE. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of the motion to proceed to H.R. 3, the highway bill, and there be 60 minutes of debate equally divided between the two leaders or their designees; provided further that upon the use or yielding back of that time the Senate proceed to the cloture vote on the motion to proceed to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. INHOFE. Tomorrow, following morning business, the Senate will resume consideration of the motion to proceed to the highway bill. Under the previous order, we will have up to 1 hour of debate prior to a cloture vote on the motion to proceed. The cloture vote will be at approximately 11:45 a.m., and that will be the first vote of tomorrow's session. It is my hope that cloture will be invoked and further that we would be able to move to the bill without using the full 30 hours of postcloture debate. Once on the bill, we will move forward with the amending process. Senators should expect additional rollcall votes during tomorrow's session.

On behalf of the leader, I inform my colleagues we will have a busy week leading into next week's recess. In addition to the highway bill, we will act

on the budget resolution conference report once it becomes available. There are a couple of important nominations expected to be reported out of the committee this week that we hope to act upon, as well. Rollcall votes are expected each day this week, and Senators are asked to plan their schedules accordingly.

#### ORDER FOR ADJOURNMENT

Mr. INHOFE. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator BOXER for not to exceed 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I had asked for an hour to speak for the RECORD on a number of issues. First, I will pay tribute to 53 young Americans who have been killed in Iraq since December 7, 2004. This brings to 402 the number of soldiers who were either from California or based in California that have been killed while serving our country. I want to make the point to my colleagues this represents 26 percent of all the military deaths in Iraq. Twenty-six percent of those deaths have come from California, either the person was born and raised in California or was stationed in California. We continue to mourn those losses. As I have promised since the day the war started, I will pay tribute to them by name so they are not forgotten.

CPL In C. Kim died December 7 as a result of a nonhostile vehicle incident in Al Anbar Province. He was assigned to Camp Pendleton.

PFC Christopher S. Adlesperger died December 9 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton.

I want to mention the ages of these soldiers too. Corporal Kim was 23 years old. PFC Christopher Adlesperger was 20 years old.

SPC Edwin W. Roodhouse, 36 years old, died December 5 in Habbaniyah, Iraq, when an improvised explosive device detonated near his humvee. He was assigned to the 1st Battalion, 56th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea, and he was from San Jose, CA.